

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROMANA LEYVA, :
: Plaintiff, : 24-CV-1931 (VSB)
: :
: -against- : 19-CR-0667-1 (VSB)
: :
UNITED STATES OF AMERICA, : : ORDER
: :
: Defendant. :
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VERNON S. BRODERICK, United States District Judge:

On March 14, 2024, Plaintiff submitted an application for appointment of counsel. (See 24-CV-1931, Doc. 3; *see also* 19-CR-0667-1, Doc. 154.) In determining whether to grant an application for counsel, the Court must consider “the merits of plaintiff’s case, the plaintiff’s ability to pay for private counsel, his efforts to obtain a lawyer, the availability of counsel, and the plaintiff’s ability to gather the facts and deal with the issues if unassisted by counsel.”

Cooper v. A. Sargent Co., Inc., 877 F.2d 170, 172 (2d Cir. 1989) (per curiam). As a threshold matter, in order to qualify for appointment of counsel, Plaintiff must demonstrate that his claim has substance or a likelihood of success. *See Hodge v. Police Officers*, 802 F.2d 58, 60-61 (2d Cir. 1986). In reviewing a request for appointment of counsel, the Court must be cognizant of the fact that volunteer attorney time is a precious commodity and, thus, should not grant appointment of counsel indiscriminately. *Cooper*, 877 F.2d at 172.

A more fully developed record will be necessary before it can be determined whether Plaintiff’s chances of success warrant the appointment of counsel. Accordingly, it is hereby ORDERED that Plaintiff’s application for the appointment of counsel is denied without prejudice to renewal at such time as the existence of a potentially meritorious claim may be demonstrated.

The Clerk of Court is respectfully directed to close the open motions at Doc. 3 in 24-CV-1931 and Doc. 154 in 19-CR-0667-1. The Clerk of Court is also respectfully directed to mail a copy of this Order to the pro se Plaintiff.

SO ORDERED.

Dated: March 19, 2024
New York, New York



Vernon S. Broderick
United States District Judge